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Special Counsel for Plaintiff Strata Title

**IN THE UNITED STATES BANKRUPTCY COURT
ARIZONA DISTRICT**

In Re:) NO. 12-bk-24242-DPC
Strata Title, LLC)
) **NOTICE OF INABILITY TO COMPLY
WITH TRIAL SUBPOENA**
Debtor,)
) **(MOTION PURSUANT TO FRCP 45)**
)

1. Undersigned was served with a trial subpoena on January 17, 2014 by e-mail. On the same day, the undersigned accepted the service of process of the subpoena.
2. The subpoena requires undersigned's appearance on Monday, January 27, 2014.
3. The undersigned is unable to appear on January 27, 2014 for the reason that he has prior pre-paid travel arrangements between the evening of Friday, January 24, 2014 and Saturday, February 1, 2014.
4. At the time of the acceptance of service of the Subpoena, the undersigned believed that the subpoena was for Friday, January 24, 2014, and marked the calendar accordingly; thus, he did not immediately advise the parties of the conflict.

1 5. To complicate matters further, the undersigned was subject to a major medical
2 surgical procedure on Wednesday, January 22, 2014 and is currently convalescing.

3 6. The undersigned advised the parties of the conflict on January 23, 2014 and offered
4 himself up for a deposition on January 24, 2014 in lieu of live testimony. As of the
5 time of this writing, the parties have not accepted the offer.

6 7. For the reasons of prior commitments and convalescence from major surgery, the
7 undersigned request protection from the Court pursuant to FRCP 45(d)(3)(A)(i)
8 (“reasonable time to comply”) and (iv) (“undue burden”).

9 8. The undersigned has been advised that this matter may take more than one day and,
10 therefore, the undersigned discloses his general availability after February 5, 2014.

11 13 RESPECTFULLY SUBMITTED this 24TH day of January, 2014.

12 14 **STROJNIK, P.C.**

15 16 /s/

17 17 _____
18 By: Peter Strojnik
19 Special Counsel for Plaintiff Strata Title
20 LLC

21 21 The original e-filed with the Court and distributed to interested parties though the
22 PACER system.